



November 27, 2018

Re: PHA RTKL 2018#72 – *Policies, Applicant Information and PHAPD logs of police reports*

Dear Sarika/MuckRock News,

I am writing with regard to your e-mailed request to the Philadelphia Housing Authority (“PHA”) for information under the Pennsylvania Right-To-Know Law, 65 P.S. §§ 67.101, *et seq.* (“RTKL”), dated Saturday, October 20, 2018, which was received by me as the Open Records Officer for PHA on Monday, October 22, 2018.

On October 24, 2018, PHA emailed you to indicate that an extension would be taken until November 28, 2018, which was confirmed to you in another email on November 8, 2018. PHA also explained that the request you made on August 22, 2018, to which PHA had responded on August 24, 2018, was a separate request, with a separate time frame, even though your October RTKL request styled itself as a modification of your August request.

Your October email stated:

Hello,
Thank you for promptly providing responsive records. I'd like to modify this request to additionally include the following:

- [#1] -Currently valid policies/procedures regarding obtaining criminal conviction records from law enforcement agencies and sex offender registration information from the appropriate state/local agency responsible for the maintenance of sex offender registration program
- [#2] -Any reports compiling the data of applicants to public housing and Section 8 housing assistance from January 1, 2017 to December 31, 2017
- [#3] -Any reports compiling the data of public housing and Section 8 housing assistance denials and the basis of those denials between January 1, 2017 and December 31, 2017
- [#4] -Any logs of police reports related to activity in public housing and Section 8-subsidized units between January 1, 2017 and December 31, 2017

Your request is granted in part and denied in part. Also, prepayment would be required if you want the police logs requested in #4, as will be explained later in this response.

Your request for the records described in #1, above, is granted and the responsive records are being sent electronically with this email. We only have what is in the ACOP (provided to you previously, but it is being sent again with this response), describing how PHA conducts background checks.

Your request for the records described in #2 and #3 is denied, because, upon immediate and extended inquiry by me, as PHA's Open Records Officer, with the relevant departments upon

receipt of your request, at multiple levels, it was confirmed that PHA does not have “[a]ny reports compiling the data of applicants to public housing and Section 8 housing assistance from January 1, 2017 to December 31, 2017” nor “[a]ny reports compiling the data of public housing and Section 8 housing assistance denials and the basis of those denials between January 1, 2017 and December 31, 2017,” to produce. Therefore, these portions of your request are denied, based on the good faith search done by the Open Records Officer for PHA, in conjunction with the relevant departments, as required under the RTKL. 65 P.S. § 67.901. It is also noted that, were such reports to exist, other protections under the RTKL for the information sought might be applicable, but there are no such reports.

Your request for the records described in #4 is granted in part and denied in part, but an estimated prepayment of two thousand five hundred twenty (\$2,520.00) dollars is required for PHA to proceed with copying (and redacting, as necessary) the records for production.

Under 65 P.S. § 67.1307(g) of the RTKL, an agency may require prepayment prior to granting a request for access, when the estimated fee is expected to exceed one hundred dollars (\$100.00).

The log sheets are in hard copy, so that copying is required and some pages will need to be copied twice, due to the need for secure redactions (for scattered site addresses, primarily) based on RTKL protections for personal security, personal information, and information identifying the recipient of social services, under 65 P.S. § 67.708(b)(1)(ii), (b)(6), and (b)(28), as well as protections for home address information under the constitutional right to privacy that exists under the Pennsylvania Constitution, under Article I, sections 1 and 8, which sections also protect personal security and informational privacy. See, *PSEA v. Office of Open Records*, 148 A.3d 142 (Pa. Sup. Ct. 2016); *State Emples. Ret. Sys. v. Campbell*, 155 A.3d 1153 (Pa. Cmwlth. 2017); and *Chester Housing Authority v. Polaha*, 173 A. 3d 1240 (Pa. Cmwlth 2017).

We estimate the fee for copying of the logs, which only exist in hard copy, for duplication alone, even without charges for the additional duplication of redacted pages or mailing fees (which would also need to be paid before production – unless you pick up the records), to be two thousand five hundred twenty dollars (\$2,520.00).

A review of the log records for the month of January 2017 shows that there are eight hundred forty (840) pages. You are seeking the logs for a twelve (12) month period, so we multiplied eight hundred forty (840) by twelve (12) to have an estimate of ten thousand eighty (10,080) pages. The RTKL duplication fee is twenty-five cents (\$.25) per page. Therefore, \$.25 times 10,080 results in an estimated duplication fee of two thousand five hundred twenty (\$2,520.00) dollars.

Actual costs would need to be paid before production (65 P.S. § 67.901: “All applicable fees shall be paid in order to receive access to the record requested.”), but given that the estimate is over one hundred dollars (\$100.00), the prepayment of two thousand five hundred twenty (\$2,520.00) dollars is initially required.

We will begin the copying process to produce the records once your check for that amount has been received by us and cleared.

You can send the check, made out to The Philadelphia Housing Authority, to the following address, if sent prior to December 14, 2018:

The Philadelphia Housing Authority
Attn: Andrea Bowman
1800 S. 32nd St.
Philadelphia, PA 19145

After December 14, 2018 our office address will be:

The Philadelphia Housing Authority
Attn: Andrea Bowman
2013 Ridge Ave.
Philadelphia, PA 19121

You have a right to appeal this response in writing to the Office of Open Records (OOR), Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response and send to the OOR: 1) this response; 2) your request; and 3) the reason why you think the agency is wrong in its denial. Also, the OOR has an appeal form available on the OOR website at: <http://www.openrecords.pa.gov/Using-the-RTKL/Pages/RTKLForms.aspx#3>.

Sincerely,



Andrea Bowman
Open Records Officer
Philadelphia Housing Authority
1800 S. 32nd St
Philadelphia, PA 19145